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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,700	11/30/2005	Taketsugu Morimoto	0080-0239PUS1	6017
2292 7590 11/29/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
			NOTIFICATION DATE 11/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/558,700	MORIMOTO, TAKETSUGU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leslie A. Nicholson III	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/05, 2/27/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is not within a range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. See MPEP 608.01(b).

### ***Claim Objections***

2. Claim 1 is objected to because, as provided in 37 CFR 1.75(i), each element or step of the claim should be separated by a line indentation.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto JP 2003095215 A.

Morimoto discloses a binding apparatus comprising:

- A carrying-in conveyor part (101)

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- A reverse conveyor part (102,103) contiguous to the carrying-in conveyor part, including an upper conveyor and a lower conveyor divided vertically in a portion thereof (fig.17)
- The lower conveyor having a branch part provided at a terminal end thereof, and the upper conveyor having a holding part provided at a start end thereof (fig.17)
- An accumulating part (104)
- A binding part (abstract)

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto JP 2001-019260.

Morimoto discloses a binding apparatus comprising:

- A carrying-in conveyor part (2)
- A reverse conveyor part contiguous to the carrying-in conveyor part, including an upper conveyor and a lower conveyor (76) divided vertically in a portion thereof (fig.1,7)
- The lower conveyor having a branch part (73) provided at a terminal end thereof, and the upper conveyor having a holding part provided at a start end thereof (fig.1,7)
- An accumulating part (87)
- A binding part (S)

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto JP 2000118511.

Morimoto discloses a binding apparatus comprising:

- A carrying-in conveyor part (2)
- A reverse conveyor part contiguous to the carrying-in conveyor part, including an upper conveyor and a lower conveyor (76) divided vertically in a portion thereof (fig.1,7)
- The lower conveyor having a branch part (73) provided at a terminal end thereof, and the upper conveyor having a holding part provided at a start end thereof (fig.1,7)
- An accumulating part (87)
- A binding part (S)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto JP 2001-019260 in view of Kitai USP 4,072,060.

Morimoto discloses all the limitations of the claim (see ¶15) and further discloses the lower conveyor comprising a lower inside conveyor (75) and a lower outside

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conveyor (76) and the upper conveyor comprising an upper inside conveyor and an upper outside conveyor (fig.1) and a control unit, but does not expressly disclose the holding part comprising a pushing device and a holding device.

Kitai teaches the holding part comprising a pushing device (68) and a holding device (64) (C5/L33-38) for the purpose of taking samples from a continuous stream of printed sheets (C1/L7-11).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the holding part with a pushing device and a holding device, as taught by Kitai, in the device of Morimoto, for the purpose of taking samples from a continuous stream of printed sheets.

***Allowable Subject Matter***

9. Claims 3,4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
5/1/2007

  
LESLIE A. NICHOLSON III  
EXAMINER